

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

HEATHER D. C. STANART,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-15-1388-HE
	)	
CAROLYN W. COLVIN,	)	
Acting Commissioner of Social,	)	
Security Administration	)	
	)	
Defendant.	)	

**ORDER**

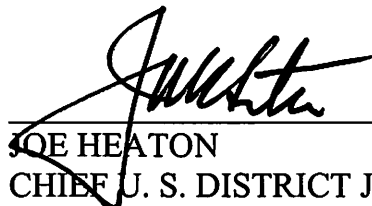
Plaintiff Heather D. C. Stanart filed this action seeking judicial review of the final decision of the Acting Commissioner of the Social Security Administration denying her application for supplemental security income. Consistent with 28 U.S.C. § 636(b)(a)(B) and Fed.R.Civ.P. 72(b), the case was referred to Magistrate Judge Suzanne Mitchell, who recommends that the Commissioner's decision be reversed and the case be remanded for further proceedings. The magistrate judge concluded the Administrative Law Judge erred by following the correct legal standards in considering the opinions of plaintiff's treating physician.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010); *see* 28 U.S.C. §636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Mitchell's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent

with the Report and Recommendation, a copy of which is attached to this order.

**IT IS SO ORDERED.**

Dated this 5<sup>th</sup> day of December, 2016.

  
\_\_\_\_\_  
JOE HEATON  
CHIEF U. S. DISTRICT JUDGE